IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 595 OF 2005

IN

SUIT NO. 1570 OF 2005

Vikram Naik .. Plaintiff.

vs.

Dharti Dredging & Construction Ltd., & Anr. .. Defendants.

Mr. Devendra Sharma for plaintiff.

Mr. H. Toor with S. Rege i/by Crawford Bayley & Co. for Defendants.

CORAM : S.U.KAMDAR, J.

DATE : 20th February, 2006.

P.C.

. The present suit is filed on three letters which are Exhibits C, D and E dated 5.12.2000, 1.10.2002 and 31.5.2002 respectively. However, reading of the aforesaid letters does not indicate at all that the defendant no. 2 has admitted the liability or there is any privity of contract between the plaintiff and the 2nd defendant. In that light of the matter, defendant no. 2 is entitled to conditional leave to defend.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from the date of deposit. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.

3. In so far as defendant no. 1 is concerned, the plaintiff is at liberty to apply for ex-parte decree as against defendant no. 1.